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parties or arising by operation of law," instead of "created by law," but in any case it is a contractual relation in its origin and in its purposes, and it would be well to say so unequivocally, explaining away rather than emphasizing apparent exceptions.

In general the recent cases have been cited, but occasionally statements are made in reliance on old cases, that should be modified in accordance with the manifest tendency of legal opinion. Not one late case is cited as authority for the rule that the agent's authority must be under seal if he is to execute for his principal a sealed instrument. Under the present attitude of the law it is believed the old rule, if upheld in form in many jurisdictions, is not in spirit. The modern tendency to relegate the necessity of a seal to acts of corporations and public officials should be noticed. In the notes cases are not uniformly arranged alphabetically by states as some recent writers urge they should be, but when the citations are extended they are often so arranged, and with advantage to the reader who wishes to know the weight of authority.

Few instances are noted in which disputed points are not stated in accord with the weight of authority, after a clear and intelligent attempt to make such explanations of apparent discrepancies as are not real ones. Sometimes, however, it may be doubted if correct conclusions have been drawn in such cases. In discussing the liability of banks taking paper for collection for defaults of correspondent banks, the text states that "the majority of courts" hold that the bank is not liable for such defaults of correspondents. It is believed the clear weight of authority is the other way. Nearly all the cases cited as making the majority were decided before the United States Supreme Court in *Exchange Bank v. Third Nat. Bank*, 112 U. S. 289, lent the weight of the federal courts to the rule that holds a collecting bank liable just as any other collecting agent is liable for defaults of correspondents. The effect of that decision and of the majority of decisions since, it is believed, is to establish the rule there laid down in the majority of the states. The text later expresses its own preference for this view, and other texts on agency have done the same.

The work covers not only the general principles of agency, but also at some length a treatment of special classes of agents, such as attorneys, brokers, factors, auctioneers, masters of vessels, etc. Of most of the books in any field it can be said they are but additions, good or bad, to the present books in that field. Of this it is not too much to say it is a real contribution to the subject.

EDWIN C. GODDARD.

A TREATISE ON THE LAW OF CRIMES. By Wm. L. Clark and Wm. L. Marshall; Second Edition, by Herschel B. Lazell. St. Paul: Keefe-Davidson Co., 1905. pp. xxxiv, 906.

The first edition of this work was in two volumes, and it is believed that the decision of the publishers to publish in one volume will meet the approval of the profession generally. The present edition is not otherwise materially changed from the first, except in being brought down to date. Mr. Clark

is well known by his numerous texts on law to be a clear and forcible writer; and we understand that he did most of the work on the original edition. In this work he was considerably handicapped by the fact that another publisher had a copyright of his original text, Clark's Criminal Law, and it must have taken no little pains on his part to avoid repeating himself; yet he seems to have performed the feat very well, though at times the form of expression seems somewhat awkward. The lawyer who wants a ready reference handbook on criminal law, in small compass, without discussion of the unusual questions, nor a very exhaustive collection of the decisions on any point, will find this book well suited to his use. The text, tables, and index make over 900 pages, regular law book size.

J. R. Rood.

LINCOLN THE LAWYER, by Frederick Trevor Hill, of the New York Bar. Published in the *Century Magazine* beginning December, 1905. Chapters I-V, December issue; chapters VI-IX, January issue.

Mr. Hill proposes to bring to light in these papers much that has been neglected by other biographers concerning Lincoln's professional career. The chapters published in the *Century* for December and January indicate that the author has independently investigated Lincoln's early life and has not been satisfied to accept as true stories which have little basis in fact and are innately improbable. A recent biographer, for example, tells us that Lincoln's "ambition to become a lawyer was inspired by a copy of the Revised Statutes of Indiana which accidentally fell into his hands when he was a mere boy in the swampy forests of the southern section of that state". Mr. Hill shows that there is good reason to doubt the accuracy of this story. It is perhaps impossible now to distinguish in every instance the fact from the fiction concerning Lincoln, but Mr. Hill has evidently availed himself of almost every possible source of information in his search for the truth. He sets the matter out in a most attractive style, and one's interest in his narrative is increased by the accompanying illustrations and the reproductions of original documents.

These papers will undoubtedly be, as they deserve to be, widely read; and one salutary effect that they will produce will certainly be to satisfy the reader, be he layman or lawyer, that it is possible for one to be both an honest man and a great lawyer, or, perhaps we should say, that it is only possible to be in reality the latter by being at the same time the former.